

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS6

**CIVIL MINUTES - GENERAL**

Case No. 2:22-cv-03604-RGK-JEM

Date June 1, 2022

Title *Patricia Fagundes v. Tractor Supply Company et al*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) Order Remanding Action to State Court**

On April 13, 2022, Patricia Fagundes (“Plaintiff”) filed a complaint against Tractor Supply Company (“Defendant”) in state court, seeking damages from a slip and fall. Defendant removed the case to federal court on diversity jurisdiction grounds (28 U.S.C. § 1332). (Notice of Removal, ECF No. 1.) Upon review of Defendant’s Notice of Removal, the Court hereby **REMANDS** the action for lack of subject matter jurisdiction.

Title 28 U.S.C. § 1441(a) authorizes defendants to remove a case to federal court when the federal court would have had original jurisdiction over the case. Under 28 U.S.C. § 1332, district courts have original jurisdiction over any civil action in which the parties are citizens of different states, and the action involves an amount in controversy that exceeds \$75,000. A defendant’s notice of removal must include a “plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 89 (2014); *see also Acad. of Country Music v. Cont’l Cas. Co.*, 991 F.3d 1059, 1068 (9th Cir. 2021).

Here, Defendant does not plausibly allege that the amount in controversy exceeds the jurisdictional threshold. Defendant merely makes a conclusory assertion that “the matter in controversy as alleged by Plaintiff exceeds the sum of \$75,000, exclusive of interest and costs.” (Notice of Removal ¶ 4.) But this assertion is not supported by any factual allegations in the notice of removal or in Plaintiff’s complaint. Because Defendant fails to plausibly allege that the amount in controversy exceeds \$75,000, the Court **REMANDS** this action to state court for all further proceedings.

**IT IS SO ORDERED.**

Initials of Preparer

jre/k

cc: Superior Court of the County of San Luis Obispo, 22CV-0183